



**City of Bellevue  
Development Services  
Land Use Division Staff Report**

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Proposal Name: Stevens Variance

Proposal Address: 4845 Lakehurst Lane SE

Proposal Description: Land Use Code Variance to reduce the required 20 foot front yard setback to 5 feet in the R-4 zoning district and to exceed the maximum height limit for undersized lots.

File Number: 11-115270-LS

Applicant: Garret Cord Werner

Decisions Included: Variance (Process II)

Planner: Leah Chulsky, Assistant Planner

State Environmental Policy Act  
Threshold Determination: **Exempt pursuant to WAC 197-11-800(6)(b)**

Director's Decision: **Approval with conditions**  
Michael A. Brennan, Director  
Development Services Department

By: Carol V. Helland

Carol V. Helland, Land Use Director,

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Application Date: June 14, 2011  
Notice of Application Date: July 14, 2011  
Notice of Decision Date: February 16, 2012  
Appeal Deadline: March 1, 2012

For information on how to appeal a proposal, visit the Development Services at City Hall or call 455-6800 (TTY (206) 462-4636). Appeal of the Decision must be made with the City Clerk by 5 PM on the date noted for appeal of the decision.

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## **I. Project Description**

The site is a 5,000 square foot lot located at 4845 Lakehurst Lane within the R-4 residential zoning district and is subject to the dimensional standards for the R-4 zone located in Land Use Code (LUC) Section 20.20.010. LUC Section 20.20.010 requires a minimum 20 foot front yard setback and allows a maximum height of 30 feet to the midpoint of a pitched roof from average finished grade, 35 feet to the highest peak from average existing grade and limits each façade to no more than 40 feet at any point. The site is also adjacent to Lake Washington and is subject to Land Use Code Section 20.25E which regulates development along shoreline within the City of Bellevue. LUC Section 20.25E.080.B.5 limits the maximum height within the Shoreline Overlay District to no more than 35 feet except in land use districts with more restrictive height limitations. The applicant is proposing a new single-family home with a 5 foot setback from Lakehurst Lane and a maximum height of 30.4 feet from average finished grade.

### **Height**

The proposed height is lower than both maximum heights for the R-4 zoning district and the Shoreline Overlay District. However, the site is 5,000 square feet which is less than 70 percent the minimum lot size of 8,500 square feet required within the R-4 zoning district, and is subject to requirements of LUC Section 20.20.070. Sites less than 70 percent the minimum lot size are required to calculate height based on the following formula (LUC Section 20.20.070.B):

$$\text{Building Height} = 2 \times C \times H$$

C = The ratio of buildable area (lot area less the area of the lot's minimum setback requirements) to total lot area.

H = The general building height requirement otherwise applicable to the lot.

Provided, that in no event shall the building height exceed the height requirement otherwise applicable to the lots; and provided, that in no event shall a building height requirement be imposed less than 15 feet.

Based on the above formula, the applicant would be limited to 15 feet in height, which is not consistent with the existing development pattern in the vicinity.

The applicant is proposing a new single home with a maximum height of 30.4 feet from average existing grade. The proposed height meets the height requirements of both the R-4 zoning district and the Shoreline Overlay District, but exceeds the height requirement of LUC Section 20.20.070.B. Therefore, the applicant is requesting a Variance to modify the calculated 15 foot height requirement of LUC Section 20.20.070 to a maximum of 30.4 feet to the highest peak from average existing grade which meets the height requirement of both the underlying zoning district and the Shoreline Overlay District.

## Setback

LUC Section 20.20.010 requires a minimum front yard setback of 20 feet. The applicant is proposing a 5 foot setback from the edge of Lakehurst Lane and is therefore asking for a Variance to LUC Section 20.20.010 to reduce the minimum setback by 15 feet.

## History

The original structure which was 2-feet from the edge of Lakehurst Lane was demolished under an approved building permit issued in 2007; however, the building permit expired in 2008 due to a lack of activity by the applicant. The site then received a variance from the City in 2009 (08-113143-LS) which expired due to lack of recording. The first variance approved a modification of the front yard setback from 20 feet to 5 feet. The variance was triggered after the existing non-conforming structure was demolished during an approved addition to the second story of the old structure (06-136597-BR). The property is located in the R-4 zoning district in the Factoria subarea. Access to the property is gained from Lakehurst Lane SE.

## II. Site Description and Context

The rectangular property is situated between Lakehurst Lane SE and Lake Washington to the west. The site is also located within the Shoreline Overlay District which restricts development and disturbance within the 25-foot shoreline area buffer and 25-foot structure setback measured from the Ordinary High Water Mark (OHWM). The home that was demolished was legally non-conforming to height and intruded into the front yard and shoreline structure setbacks as currently applied.



### **III. Community Input on the Proposal:**

On July 14, 2010 the public notice for the project was published in the Weekly Permit Bulletin and mailed to property owners within 500 feet of the subject site. Four comments were received from the public. All four comments received were against allowing the applicant to build to 30.4-feet due to potential impacts on existing views.

**Response:** The existing neighborhood contains multiple story homes of both newer and older housing stock. The impact from the street level will be that of a two story home which is typical of the neighborhood and will not block or impede views of the homes directly above the subject parcel. The existing elevation on Lakehurst Lane is approximately 36-feet. The façade facing Lakehurst Lane will be approximately 23-feet in height which will be at an elevation of 59-feet. The existing homes which are built above Lakehurst Lane to the east have a backyard elevation of approximately 72-feet. Therefore, the proposed construction will not impact the views of the homes directly above it. The façade facing Lake Washington is proposed to be three stories with the highest peak being 30.4-feet above the existing elevation of approximately 22-feet giving this façade an elevation of approximately 55.68-feet. The proposed structure is necessitated by the sharp change in grade from the street to the shoreline which drops from 36-feet at the road to 20-feet at the shoreline. The proposed structure is consistent with existing and new homes throughout the City located along the shore of Lake Washington with similar site constraints.

### **IV. Technical Review:**

**Transportation:** On January 14, 2012 Transportation Review indicated there were no concerns with the application and imposed no conditions.

### **V. Purpose**

A variance is a mechanism by which the City may grant relief from the provisions of the Land Use Code where practical difficulty renders compliance with the provisions of that Code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property, and where the purposes of that code and of the Comprehensive Plan can be fulfilled.

### **VI. Decision Criteria:**

20.30G.140 Decision Criteria for a Variance

The Director may approve or approve with modifications an application for a Variance if all of the following criteria are met:

- A. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district of the subject property.**

**Finding:** Approval of a variance to the required front yard setback will not constitute a grant of special privilege to the applicant. Eight homes accessed off of Lakehurst Lane SE intrude into the front-yard setback with existing setbacks ranging from 1-foot to 5-feet. Nine of the neighboring fifteen lots are less than 70 percent of the minimum requirement for the zone. Approval of a variance to the height limitations of undersized lots is consistent with existing properties which are a mixture of two and three story homes.

- B. The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property to provide it with the use rights and privileges permitted to other properties in the vicinity and in the land use district of the subject property.**

**Finding:** The variance is necessary due to the topographic configuration of the subject property and its location between Lakehurst Lane SE and Lake Washington. The property is located adjacent to Lake Washington and contains a shoreline critical area and critical area buffer and is subject to the additional setback requirements of 20.25H for shoreline critical areas. The lot is also 5,000 square feet which is less than 70 percent the minimum lot area required in the R-4 zone.

In order to avoid further disturbance within the shoreline buffer and structure setback, and to achieve a building that is consistent with new homes throughout the City, the applicant has requested a variance to reduce the required 20 foot setback from Lakehurst Lane SE from 20 feet to 5-feet. The applicant is also requesting to modify calculated 15 foot height limitation required by LUC Section 20.20.070 to a maximum height of 30.4 feet to the highest peak from average existing grade to achieve a building consistent with similar properties in the immediate vicinity and throughout the City. The increased height from 15 feet to 30.4 feet meets the height requirement of both the underlying zoning district and the Shoreline Overlay District. The proposed residence will conform to side yard setbacks, shoreline buffer, lot coverage, and impervious surface and height restrictions. Approval of this variance would allow the applicant to achieve the developable area that is afforded to other similarly zoned and constrained sites in the area while keeping with the character of the residential development along Lakehurst Lane SE.

- C. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located.**

**Finding:** The granting of a front-yard setback and height variance will not be materially detrimental to the public welfare or injurious to land uses within the vicinity. The proposed 5-foot front yard setback from Lakehurst Lane SE will have less impact on the use of the road than the previous setback of 2-feet provided by the previous structure. All of the existing homes along Lakehurst Lane maintain front yard setbacks of five feet or less from the edge of the road. The proposed height is consistent with the existing structures within the neighborhood.

**D. The variance is not inconsistent with the Comprehensive Plan.**

**Finding:** This site is located within the Factoria subarea in the City of Bellevue Comprehensive Plan. The Comprehensive Plan designates the site as single-family high density. The zoning density of R-4 along with this designation makes this proposal consistent with the subarea policies. The following policies apply to this proposal:

**Policy LU-21:** Develop land use strategies to encourage the maintenance and updating of the city's older housing stock, so that neighborhoods are well-maintained and existing housing is preserved, updated, or modified to meet the evolving needs of residents.

**POLICY LU-9:** Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

**Finding:** The variance request will complement the neighborhood by allowing the construction of a new house that is to a size, scale, and character more consistent with the surrounding homes. The proposed new structure will provide a residence that is conforming to the 25-foot shoreline buffer and associated 25-foot structure setback from ordinary high water mark where the previous structure was non-conforming.

**VI. Conclusion and Decision:**

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, and City Code and Standard compliance reviews, the Director of Development Services does hereby **APPROVE** the variance subject to the following conditions.

**VI. Conditions of Approval:**

1. The front yard variance approval is limited to the front yard setback intrusion depicted on the site plan A-1.0 dated 6-2-11. The setback will be reduced from 20 feet to 5-feet from the edge of Lakehurst Lane SE.

Authority: Land Use Code 20.30G.115

Reviewer: Leah Chulsky, Development Services Department

2. The height is limited to a maximum height of 30.4 feet from average existing grade per the elevation on sheet A-3.2 dated 6-2-11. This is to be verified with a spot elevation survey when the trusses are set and prior to the roof being completed.

Authority: Land Use Code 20.20.025.C

Reviewer: Leah Chulsky, Development Services Department

## **VIII List of Attachments:**

1. Plans and Drawings

